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Attorney Docket No. AOL0145

APR 23 2007

U.S. Serial No. 10/826,480

REMARKS

1. **35 USC 101.** Claims 5-22 and 27-44 are rejected under 35 USC 101 as lacking "a practical application of judicial exception...since it fails to produce a useful, concrete and tangible result."

Claim 27 is rejected as being directed to a program per se.

Responsive thereto, Claim 5 has been amended to recite the step of "presenting a resulting categorized Web-browsing history." Support for this claim amendment is found, for example, in originally submitted Claim 1 which recites the step of "using metadata thus obtained to present a user's personal browser history..."

Applicant also amends Claim 27 to recite "a computer storage medium...on which is stored a program comprising instructions that, when executed by a computer, implement a method for establishing and maintaining a categorized Web-browsing history, said method comprising the computer implemented steps of...Claim 27 also includes a step of "presenting a resulting categorized Web-browsing history."

In view of the foregoing claim amendments, Claims 1 and 27 are deemed to comport with the requirements of 35 USC 101. Accordingly, the rejection raised by the Examiner under 35 USC 101 is deemed overcome. Applicant notes that this claim amendment is made to accommodate the Examiner and not because the Applicant has acknowledged that the Examiner's rejection is correct or would withstand a challenge on appeal.

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2. **35 USC 102.** The Examiner has presented two bases for rejecting the Applicant's claims under 35 USC 102. Applicant first takes up the Examiner's rejection of Claims 1-4 and 23-26 under 35 USC 102 (e) as being anticipated by Briggs *et al.* In reading Briggs on Applicant's Claims 1 and 23, the Examiner refers to Column 12, line 66 - Column 13, line 2 of Briggs as teaching the use of a directory service to get category metadata about user visited URLs. The Examiner also refers to Column 2, lines 60-67 in this regard.

Column 2, lines 60-67 of Briggs states:

"In addition to URLs, the database stores additional information such as page title, address, description, categories applicable to the URL, metadata, names of users accessing the URL, timestamps of visits, ratings of the URL, emoticons evaluating URL, comments on and bookmarks to the URL, or keywords for retrieval. The page title, address, description and metadata may be ascertained from visiting the URL itself. With assistance of the URLs author, metadata may include suggested categorization. Alternatively, categorization may be provided by an existing content analysis provider..."

At Column 12, line 66, Briggs teaches:

"During processing..., the system compares VUD entries against one or more external URL categorization databases, such as the database provided by the Open Source Directory Project... Matches are processed for addition to the VUD. VUD entries that do not match are marked as on categorized and stored in an exceptions database..."

Applicant has reviewed Briggs carefully and finds that the sections referenced by the Examiner do not only not teach Applicant's claimed limitation, but are taken out of context. The person skilled in the art reviewing Briggs would understand that Briggs is concerned with "selectively sharing and passively tracking

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communication device experiences." (See the title, for instance) This is why Briggs teaches a visited URL database (VUD) and stores URLs visited by users, or participants. (See, for example, Column 2, lines 45-55)

Briggs also teaches that "a common theme among aspects of the present invention is collecting data regarding a user's computer usage experience and sharing that data. So-called "buddies" identified on buddy lists of instant messaging products can share selected aspects of their computer usage experiences." (Column 2, lines 24-30; emphasis added)

The Examiner's referenced sections of Briggs teach that the information concerning categorization is user entered. Thus, Briggs teaches "with the assistance of the URL's author, metadata may include suggested categorization." Briggs also states that "categorization may be provided by an existing content analysis provider..." However, Briggs teaches this in the context of a shared database, *i.e.* the VUD.

More significantly, Applicant teaches "using metadata thus obtained to present a user's personal browser history in a category-based hierarchy." To find support for this aspect of Applicant's invention, the Examiner is referred to Column 2, line 66 to Column 3, line 5 of the subject application. While Briggs teaches the use of a directory service to perform categorization in connection with a shared VUD, there is nothing in the citation provided by the Examiner which indicates that metadata, for example obtained from a content analysis provider, could be used to present a user's personal browser history in a category-based hierarchy.

The Examiner has cited Briggs as disclosing the subject matter of Claims 4 and 26, Column 8, lines 37-38. However, Briggs teaches at this portion of his disclosure that "tick # boxes...and directory or file names...can be used. Additional files or folders can be added to a list...alternatively, a Windows

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Explorer-style file directory tree can be used to select files and directories, as is done for backing up and restoring files or directories."

Nothing in the foregoing suggests that a user's personal browser history could be stored in a category-based hierarchy. The section relied upon by the Examiner only refers to a file management system. The invention herein is not a file management system, but an automated way of categorizing a user's Web browser history. In this regard, Briggs is entirely silent on the automated categorizing of a user's Web-browsing history. At most, Briggs teaches that a shared browsing history may take advantage of an existing content analysis provider to suggest categorization. What is done with this categorization information is not taught by Briggs, let alone the suggestion that a user's personal browser history may be presented in a category-based hierarchy. Further, there is nothing in Briggs to suggest that a user's personal browsing history could be presented at all because Briggs is concerned with a group, shared database of visited URLs, *i.e.* the VUD.

For purposes of anticipation under 35 USC 102 (e), the cited reference must teach each and every element set forth in the claim or the rejection is defective. Here, the reference cited by the Examiner does not teach a categorized Web-browsing history, nor does the cited reference teach the use of metadata obtained from a directory service to present a user's personal browser history in a category-based hierarchy. No such category-based hierarchy is taught with browsing history in Briggs, nor is Briggs concerned with personal browser history. In view of the clear error in asserting Briggs under 35 USC 102 (e), the Applicant respectfully requests that the Examiner withdraw this rejection.

Applicant further notes that it would not be obvious for a person skilled in the art to rely upon Briggs in teaching the claimed invention because Briggs teaches away from the claimed invention. That is, Briggs is concerned with a group database, *i.e.* a database containing listings of URLs visited by a group. Further,

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Briggs neither teaches nor suggests that a group database of visited URLs could be adapted to for use as a personal browser history which is presented in a category-based hierarchy.

Claims 5-17 and 27-39 are rejected under 35 USC 102 (b) as being anticipated by Nielsen. The Examiner states that Nielsen teaches the performing of a reverse lookup in a database to find a chain of categories for a URL. Applicant sees nothing in Column 7, lines 1-10 or Figure 4, which teaches a reverse lookup. Nielsen does teach that the user may "backtrack to a previously-visited page accessed through the hyperlink." However, this teaches nothing with regard to "performing a reverse lookup in a database to find a chain of categories for a URL." There is nothing in this statement that suggests that a reverse lookup could be performed or that a chain of categories could be identified by a reverse lookup. All that Nielsen teaches here is that a user may access a list of links and may click on those links to return to the page access hyperlink. Thus, Nielsen only teaches a well-known browser history. Nothing in this browser history includes backtracking or any chain of categories. In fact, there is absolutely nothing in Nielsen that deals with categories.

In connection with the discussion in Nielsen, it is important to understand just what Nielsen teaches. Nielsen is concerned with "combining truncated hyperlinks to form a hyperlink aggregate" (see, for instance, the title). Nielsen goes on to teach that "a preferred embodiment of the invention provides a hypertext user with a reduced history list that maintains the detail references to hypernodes accessed within a preference interval, but also aggregates older hypernodes to reduce the amount of information immediately displayed to the user." (Column 5, lines 28-32) Thus, Nielsen has nothing to do with "establishing and maintaining a categorized Web-browsing history." Further, as noted above, there is nothing in Nielsen that teaches "performing a reverse lookup in a database to find a chain of categories for a URL."

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More specifically, there is nothing in Nielsen to teach the performing of a reverse lookup "every time a URL that has not been previously seen is added to a history." All that Nielsen teaches in this regard, as relied upon by the Examiner (Column 7, lines 11-15) is the use of a "Link to Next" field. Applicant fails to see how this has anything to do with a triggering event for performance of reverse lookup.

Applicant also claims "for URLs for which there is no category in said database, iteratively retry reverse lookup using a less-specific part of said URL until a category is found." The Examiner's reliance on Nielsen at Column 7, lines 3-10 is entirely misplaced in this regard. All that Nielsen teaches is the use of a history list array to remember whichever hyperlinks the user has accessed while browsing. This is a standard browser history feature. There is nothing in this statement, nor elsewhere in Nielsen to suggest that a system would iteratively retry a reverse lookup using less-specific parts of a URL until a category is found. Again, there is no notion of iteration in Nielsen, no notion of reverse lookup, no notion of using a less-specific part of a URL, and, most significantly, no notion of categorization in Nielsen.

As noted above in connection with Briggs, a reference under 35 USC 102, in this case 35 USC 102 (b), must show each and every element of the claimed invention. Here, even the most broad definition given to Applicant's claim terms would not yield a sensible read on the teachings of Nielsen. Accordingly, the erroneous rejection of 35 USC 102 (b) is deemed traversed and withdrawal thereof is earnestly solicited.

As mentioned above in connection with obviousness, a person skilled in the art would not be led to use the teachings of Nielsen in connection with the claimed invention because Nielsen teaches the formation of truncated hypernodes rather than the generation of a categorized Web-browsing history.

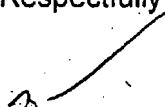
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In view of the foregoing, the rejections hereunder are deemed to be overcome and withdrawal thereof is earnestly solicited.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's Attorney, Michael A. Glenn at (650) 474-8400.

Respectfully submitted,


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